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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,117	07/24/2003	Peter Dam Neilsen	857.0019.U1(US)	3924
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HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER TIMBLIN, ROBERT M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,117

Applicant(s)

NEILSEN ET AL.

Examiner

Robert M. Timblin

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/9/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-17, 20, 21, 23, 25-34, 36-41, 44-46, 48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-17, 20-21, 23, 25-34, 36-41, 44-46, 48, and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This Office Action corresponds to application 10/627/117 filed 7/24/2003.

Response to Amendments

Claims 1, 2, 4, 5, 6, 10, 11, 13, 14-16, 20, 21, 23, 25, 27, 33, 36, 41, 44, 46, and 50 have been amended. Claims 19, 47, 49, and 51 have been cancelled and accordingly, claims 1-11, 13-17, 20-21, 23, 25-34, 36-41, 44-46, 48, and 50 are pending prosecution.

Claim Rejections - 35 USC § 101

Claims 19, 47, 49, and 51 have been cancelled, therefore removing the previous 35 U.S.C. rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-11, 13-17, 20-21, 23, 25-34, 36-41, and 44-45 are rejected under 35 U.S.C. 102b as being anticipated by Berezowski et al. ('Berezowski' hereafter) (U.S. Patent Application 2002/0016971 A1.) In the following paragraphs and drawings, Berezowski teaches:

With respect to claim 1, A method for controlling access rights to data stored in a hand portable device, comprising:

- a) storing a plurality of data assemblages in the hand portable device (0042, 0053, fig. 21A);
- b) displaying in the hand portable device a first data assemblage (0094);
- c) in response to step b), automatically restricting subsequent display in the hand portable device of to the first data assemblage using a first security mechanism (0094; locking);
- d) accessing a second data assemblage (0094, 0098); and
- e) in response to step d), automatically restricting subsequent display in the hand portable device of the second data assemblage using the first security mechanism (0094).

With respect to claim 2, a method as claimed in claim 1, further comprising subsequent to step c), requesting entry of a first password to enable display of the first data assemblage and subsequent to step e), requesting entry of the first password to enable display of the second data assemblage (0094; password verification).

Art Unit: 2167

With respect to claim 3 a method as claimed in claim 1 or 2, further comprising, before step a), receiving the first data assemblage at the hand portable device and before step d), receiving the second data assemblage at the hand portable device (last half of paragraph 0042).

With respect to claim 4, a method as claimed in claim 1, wherein the access at step b) is a first display of the first data assemblage by the hand portable device and wherein the display at step e) is a first display of the second data assemblage by the hand portable device (0113 and drawing reference 1502).

With respect to claim 5, method as claimed in claim 1, further comprising: discriminating the type of a data assemblage, wherein the automatic restriction of further display at step c) is enabled only for a first data assemblage of a defined type or types and the automatic restriction of further display at step e) is enabled only for a second data assemblage of the defined type or types (0094, locked/unlocked data).

With respect to claim 6, a method as claimed in claim 5, further comprising user specification of the defined type(s) for which automatic restriction of further access is enabled (0093).

With respect to claim 7, a method as claimed in claim 1 further comprising: user specification of a password for use in the first security mechanism (0013, 0093).

With respect to claim 8, a method as claimed in claim 1, wherein the first data assemblage is one of: a SMS message, a MMS message, an instant messaging history, a picture file; an audio file; a video file; or a collection of bookmarks and wherein the second data assemblage is one of: a SMS message, a MMS message, an instant messaging history, a picture file; an audio file; a video file; or a collection of bookmarks (abstract; audio video information).

With respect to claim 9, a method as claimed in claim 1 wherein the first data assemblage and/or the second data assemblage is/are created in the device (0008, second column of page 1).

With respect to claim 10, A method for controlling access rights to data stored in a hand portable device, comprising:

wirelessly receiving data at a hand portable device (0042; transferring information);

a) storing data in the hand portable device (0042);

Art Unit: 2167

b) displaying the stored data upon receipt at the hand portable device (0062, 0095); and

c) in response to step b), automatically restricting further display of the data at the hand portable device (0094).

With respect to claim 11, A method as claimed in claim 10, further comprising subsequent to step c), requesting entry of a password to enable the further display of the data (0094; password verification).

With respect to claim 13, A method as claimed in claim 10, wherein the display at step b) is a first display of to the data by the hand portable device (0094).

With respect to claim 14, A method as claimed in of claims 10, further comprising: discriminating the type of a data, wherein the automatic restriction of further display at step c) is enabled only for data of a defined type or types (0094, locked/unlocked data).

Art Unit: 2167

With respect to claim 15, A method as claimed in claim 14, further comprising user specification of the defined type(s) for which automatic restriction of further display is enabled (0093).

With respect to claim 16, A method as claimed in claim 10, further comprising: user specification of a password for a first security mechanism used to restrict the further display of the data.

With respect to claim 17, A method as claimed in claims 10, wherein the data defines one of: a SMS message, a MMS message, an instant messaging history, a picture file; an audio file; a video file; or a collection of bookmarks (abstract; audio video information).

With respect to claim 20, A method for controlling access rights to data stored in a hand portable device, comprising:

- a) storing a plurality of data assemblages in the hand portable device (0042);
- b) storing at least one data attribute for each data assemblage the data attribute indicative of first display of the data assemblage in the device (drawing reference 2104, 0013, 0119 and 0094);

c) changing the data attribute of a first data assemblage from a first type to a second type (0094; locking); and

d) in response to step c), automatically restricting further display of the first data assemblage using a first security mechanism (0094 locking after watching/listening).

With respect to claim 21, A method as claimed in claim 20, wherein the first type of data attribute indicates that its associated data assemblage has not yet been displayed using the device and the second type of data attribute indicates that the associated data assemblage has been displayed using the device (0093).

With respect to claim 23, A method as claimed in claim 20, further comprising: e) changing the data attribute of a second data assemblage from a first type to a second type; and f) in response to step e), automatically restricting further access to the second data assemblage using the first security mechanism (0094, locked/unlocked data).

With respect to claim 24, A method as claimed in claims 20, further comprising user specification of at least the second type of attribute (0093).

Art Unit: 2167

With respect to claim 25, A hand-portable device, for providing controlled access to stored data assemblages, comprising:

user input means for user input of a password (0094);

a memory for storing a first data assemblage and a second data assemblage (0042);

access means for enabling a user to access the first data assemblage and the second data assemblage (0094); and

access control means arranged to detect access to the first data assemblage and automatically responsive to detecting access to the first data assemblage to restrict subsequent access to the first data assemblage using a first security mechanism involving the password (0094) and arranged to detect access to the second data assemblage and automatically responsive to detecting access to the second data assemblage to restrict subsequent access to the second data assemblage using the first security mechanism involving the password (0094; the user may lock the video after they are finished watching).

With respect to claim 26, A hand-portable device as claimed in claim 25, further comprising transceiver means for receiving a data assemblage at the hand portable device (0042).

With respect to claim 27, A hand-portable device as claimed in claim 25, wherein the access control means is arranged to restrict subsequent access to the first data assemblage automatically responsive to detecting a first access to the first data assemblage and is arranged to restrict subsequent access to the second data assemblage automatically responsive to detecting a first access to the second data assemblage (0094).

With respect to claim 28, A hand-portable device as claimed in of claim 25, wherein the access control means discriminates the type of a data assemblage, and automatically restricts subsequent access to that data assemblage using a first security mechanism, if the data assemblage is of a defined type or types (0094, locked/unlocked data).

With respect to claim 29, A hand-portable device as claimed in claim 28, wherein the user input means is operable to enable a user to specify the defined type(s) (0093).

With respect to claim 30, A hand-portable device as claimed in claim 25, wherein the user input means is operable to enable a user to specify the password (0013, 0093).

With respect to claim 31, A hand-portable device as claimed in any one of claim 25, wherein the first data assemblage is one of: a SMS message, a MMS message, an instant messaging history, a picture file; an audio file; a video file; or a collection of bookmarks and wherein the second data assemblage is one of: a SMS message, a MMS message, an instant messaging history, a picture file; an audio file; a video file; or a collection of bookmarks (abstract; audio video information).

With respect to claim 32, A hand-portable device as claimed in claim 25, wherein the first data assemblage and/or the second data assemblage is/are created in the device (0008, second column of page 1).

With respect to claim 33, A hand-portable device, for providing controlled access to stored data assemblages, comprising:

user input means for user input of a password (0094);

a memory for storing data (0042 and drawing reference 130);

display means for enabling a user to display the data (0042, 0094); and

access control means arranged to detect first display of the data and automatically restrict subsequent access to the data using a first security mechanism involving the password (0094).

With respect to claim 34, A hand-portable device as claimed in claim 33, further comprising transceiver means for receiving the data at the hand portable device (0042).

With respect to claim 36, A hand-portable device as claimed in claim 33, wherein the display control means discriminates the type of data, and automatically restricts subsequent display of data using the first security mechanism, if the data is of a defined type or types.

With respect to claim 37, A hand-portable device as claimed in claim 36, wherein the user input means is operable to enable a user to specify the defined type(s) (0094, locked/unlocked data).

With respect to claim 38, A hand-portable device as claimed in of claim 33, wherein the user input means is operable to enable a user to specify the password (0093).

With respect to claim 39, A hand-portable device as claimed in claim 33, wherein the data defines one of: a SMS message, a MMS message, an instant messaging

Art Unit: 2167

history, a picture file; an audio file; a video file; or a collection of bookmarks (abstract; audio video information).

With respect to claim 40, A hand-portable device as claimed in of claims 33, wherein the data are created in the device (0008, second column of page 1).

With respect to claim 41, A hand-portable device, for providing controlled access to stored data assemblages, comprising:

user input means for user input of a password (0094);

a memory for storing a plurality of data assemblages and a plurality of associated respective attributes (0042);

display means for enabling a user to display a stored data assemblage (drawing reference 130 and 0094); and

access control means arranged to automatically restrict subsequent display of a first data assemblage using a first security mechanism, after the data attribute of the first data assemblage changes from a first type to a second type, wherein the data attribute is indicative of first display of the data assemblage in the device (0094).

With respect to claim 44, A hand-portable device as claimed in claim 41, further wherein the access control means is arranged to automatically restrict subsequent access to a second data assemblage using a first security mechanism, when the data attribute of the second data assemblage changes from a first type to a second type (0094 locking after watching/listening).

With respect to claim 45, A hand-portable device as claimed in claim 41, wherein the user input means enable user specification of at least the second type of attribute (0093).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46, 48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over as applied to Berezowski as applied to claims 1-11, 13-17, 20-21, 23, 25-34, 36-41, and 44-45 above in view of Awada et al. ('Awada' hereafter (U.S. Patent Application 2004/0088588))

With respect to claim 46, Berezowski fails to explicitly teach the claimed enabling a mobile telephone... Awada, however, teaches the claimed enabling a mobile telephone...(0002) for protecting data on cell phones.

In the same field of endeavor, (i.e. data control in portable devices), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Awada would have given Berezowski the benefit of using a convenient auxiliary device and a method to protect the data stored thereon.

Claims 48 and 50 contain essentially the same subject matter and therefore the rejection to claim 46 applies equally well to those claims.

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,208,995 to Himmel et al. The subject matter disclosed therein pertains to the pending claims (i.e. protection of bookmark sets).

U.S. Patent 4,104,718 to Poublan. The subject matter disclosed therein pertains to the pending claims (i.e. file attributes specifying types and read/unread. e.g. fig. 30).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

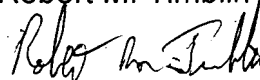
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2167

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert M. Timblin



Patent Examiner AU 2167

5/29/2007

RMT



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